

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-CR-00037-RJC

USA

v.

ERNESTO GARCIA VASQUEZ

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines. (Doc. No. 64).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Part B, Subpart 1 of the Amendment is retroactive and created a two-level decrease if a defendant meets all the criteria in USSG §4C1.1(a), including having zero criminal history points. USSG §1B1.10(d), comment. (n.7).

Here, the Court determined the defendant had two criminal history points, with no status points. (Doc. No. 41: Presentence Report ¶¶ 79-80). The Amendments do not lower his criminal history points or offense level. Accordingly, he is not eligible for relief. USSG §1B1.10(a)(2)(B).

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

Signed: July 31, 2024



Robert J. Conrad, Jr.  
United States District Judge

